IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 26962 of 1999

Between:
M/s Volga Chit Funds Private Limited, Rep. by its Managing Director, B.V.Reddy, S/o.Krishna Reddy, Age:43 Yrs., Occ: Managing Director, C/o. Flat No.202, Rehmath Commercial Complex, Ameerpet, Hyderabad.

..... PETITIONER

AND

1. The Station House Officer, Sanjeevareddy Nagar Police Station, Hyderabad.
2. J.Satyanarayana Raju, S/o.J.Ramulu, Age: 30 Yrs., R/o.H.No.C-6, Madhuranagar, Yousufguda, Hyderabad.
   (Petition against second respondent was dismissed for default as per orders dated 21-3-2003).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the first respondent in investigating into the Cr.No.573 of 1999 and Cr.No.640 of 1999 on its file and consequently direct him to investigate into the said crimes and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.A.Ramanarayana

Counsel for Respondent No1: The Government Pleader for Home

The Court made the following Order:

The petitioner-chit fund company filed this writ petition complaining the inaction on the part of the first respondent-Station House Officer, Sanjeevareddy Nagar, Hyderabad in investigating into the Crime No.573 of 1999 and Cr.No.640 of 1999 and filing necessary charge sheet in the above said crimes.

Petition against second respondent, who is accused in Cr.No.640 of 1999, was dismissed for default as per orders dated 21-03-2003.

First respondent filed counter-affidavit stating that the complaint made by the petitioner before V Metropolitan Magistrate, Hyderabad for the offence under Sections 418 and 420 IPC was referred to the first respondent Police Station, Sanjeevareddy Nagar for investigation. Thereafter, a case in Crime No.640 of 1999 was registered under Sections 418 and 420 IPC and examined the complainant and other witnesses and recorded their statements. In the above said case, two more material witnesses are to be examined and the second respondent has to be apprehended. After the arrest of the second respondent and examining the remaining material witnesses, charge sheet will be filed against the accused. It is further stated that when the petitioner herein has instituted a civil suit against the second respondent

for recovery of the instalments due, a cheque was issued, but the same was dishonoured, for which a crime was registered. When the Court Bailiff tried to execute the warrant of attachment of movables in the house of the second respondent, his father attacked the Bailiff and prevented him to execute the warrant. On the complaint made by the Bailiff, Crime No.573 of 1999 under Sections 353 and 204 IPC was registered on 25-10-1999 against the father of second respondent and one Timmaiah. The investigation is almost completed and it is held up for want of examination of one important material witness viz. Sriram Reddy and after examination of the said witness, charge sheet will be filed.

In view of the same, first respondent is directed to complete the investigation and file a charge sheet, if not already filed, after intimating the same to the petitioner.

The writ petition is accordingly disposed of. No costs.

_____

30-06-2004

kdl

TO

1. The Station House Officer, Sanjeevareddy Nagar, Hyderabad.
2. Two C.Cs. to the Government Pleader for Home, High Court Buildings, Hyderabad (OUT).
3. Two C.D. Copies.